

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

2 EUMI L. CHOI (WVBN 0722)
3 Chief, Criminal Division

4 MARK L. KROTOSKI (CSBN 138549)
Assistant United States Attorney

5 150 Almaden Boulevard, Suite 900
6 San Jose, California 95113
7 Telephone: (408) 535-5035
Facsimile: (408) 535-5066

8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 MOISES NUNEZ,

17 aka cartel, aka marvel, aka OTR,

18 ~~STEPHEN BROWN,~~ *R*

aka blahz, aka sab,

19 DESTON EVANS,

aka hammer, aka 778889,

20 OSCAR MARTINEZ,

aka janeiro, aka xraided, aka sailorboy,

21 ~~PAUL ALEMAN~~ *R*

aka panic, aka HEMi, aka panic_1,

22 Defendants.
23

No. CR 05-00734-RMW

STIPULATION REGARDING
EXCLUDABLE TIME AND [PROPOSED]
ORDER *R*

24 It is hereby stipulated and agreed between defendant Moises Nunez, defendant Stephen
25 Brown, defendant Deston Evans, defendant Oscar Martinez, and defendant Paul Aleman, and
26 through their undersigned counsel, and the United States as follows:

27 On December 15, 2005, the defendants were arraigned on a six-count indictment, charging as
28 follows: Count One: Conspiracy to Commit Criminal Copyright Infringement, Infringement By

STIPULATION REGARDING EXCLUDABLE TIME AND [PROPOSED] ORDER
CR 05-00734-RMW

FILED

DEC 15 2005

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 Electronic Means, Infringement By Distributing A Commercial Distribution Work, and Use
2 Audiovisual Recording Devices to Make Unauthorized Copies Of Audiovisual Works, in
3 violation of 18 U.S.C. § 371; Counts Two through Six: Criminal Copyright Infringement By
4 Electronic Means and Aiding and Abetting, in violation of 17 U.S.C. § 506(a)(1)(B), 18 U.S.C.
5 § 2319(c)(1) and 18 U.S.C. § 2; and an allegation of Criminal Forfeiture and Destruction, in
6 violation of 17 U.S.C. §§ 506(b) and 509(a). A status conference was set for February 13, 2006
7 at 9:00 a.m. before the Honorable Ronald M. Whyte.

8 In this case, the government is providing initial discovery to the defense. A substantial
9 amount of discovery consists of digital evidence. The parties stipulate and move the Court to
10 exclude time under the Speedy Trial Act from the date of the arraignment, December 15, 2005,
11 until the next status conference on February 13, 2006, because the parties believe that the ends of
12 justice served by the granting of such a continuance outweigh the best interests of the public and
13 the defendant in a speedy trial, particularly since reasonable time is needed for the defense to
14 prepare for pretrial and trial matters, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii).
15 The parties further stipulate that time may be excluded for reasonable time for defense

16 // // //


17 // // //

1 preparation, since the failure to exclude time would deny counsel for the defendant reasonable
2 time necessary for effective preparation, taking into account the exercise of due diligence,
3 pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(iv).

4 So stipulated.

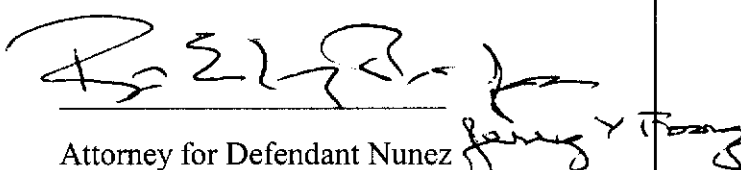
5 Dated: December 15, 2005

KEVIN V. RYAN
United States Attorney

6
7 
8 JOHN GLANG
Assistant United States Attorney

9 So stipulated.

10 Dated: December 15, 2005

11
12 
Attorney for Defendant Nunez

13 So stipulated.

14 Dated: December 15, 2005

15
16 
JAMIE HARMON
Attorney for Defendant Evans

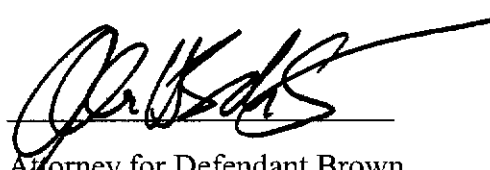
17 So stipulated.

18 Dated: December __, 2005

19
20 _____
Attorney for Defendant Martinez

21 So stipulated.

22 Dated: December 15, 2005

23
24 
Attorney for Defendant Brown

25 So stipulated.

26 Dated: December __, 2005


27
28 _____ *RS*
~~Attorney for Defendant Aleman~~

ORDER

Based upon the foregoing Stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED that the time between December 15, 2005 and February 13, 2006 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial based upon the grounds set forth above.

DATED: December 15, 2005


RICHARD SEEBORG
United States Magistrate Judge